

OBJECTS OF THE WAR.

Speech of Hon. Thomas D. Eliot,

OF MASSACHUSETTS,

In the House of Representatives, December 12, 1861,

On the resolution declaring the object of the war to be the suppression of rebellion and the re-establishment of the rightful authority of the Constitution and laws over the entire country, and declaring the right and duty of the military commanders to emancipate slaves of rebel owners.

Mr. ELIOT. I commence the debate upon the great questions involved in this resolution, and the bills and resolutions which have been presented upon similar subjects by other gentlemen, with profound distrust of my ability to discuss them thoroughly; but with a full, abiding, clear, and confident conviction that the good, common, sound sense of the members of this House, their free instincts, their patriotic purposes, will enable them to mature a plan that shall at once embody the feelings, the wishes, the hopes, and the demands of our constituents, and of all loyal men, and which will meet the great necessities of this occasion.

Mr. Speaker, I desire to address myself to you in all frankness and sincerity. It is no time for set speech. The times themselves are not set. Speech is demanded; but such as shall crystallize into acts and deeds. Thoughts of men go beyond the form of words into the realities of things. When we came together the other day I was impressed with the conviction that no time should be needlessly lost—no, not an hour—before the opportunity should be presented to this House to express itself in some way, and to some extent to give utterance to its judgment, which should also be regarded in a measure as the judgment of the people; for we had just come from the people, and if at any time we would assume to represent their feelings, opinions, and judgment, it would be then.

The vote which was taken upon the motion of the gentleman from Indiana, satisfied me and satisfied the country as to the general judgment of the House. I would not be understood to say, and I would not assume to say that upon a final vote upon those resolutions the record would be as it was upon the motion to lay them upon the table. Indeed I know that would not be the case. Some gentlemen favorable unquestionably to their general scope voted against them, because it seemed to them that the first resolution called for a return to the old state of things. This resolution contemplates no such thing. No matter how, a few months ago, loyal men might have yearned that the old state of things should be restored, the *status ante bellum* is impossible. The first blow which was struck at Fort Sumter rendered it impossible. Stimulated by mad ambition, that blow shattered the hopes of loyal men throughout the land. No, sir; no, sir. Reconstruction must come; but in the rebellious and seceding States, when it comes, it shall come, I believe, without the presence of the slave! Mr. Speaker, there are gentlemen whose names are recorded in favor of laying those resolutions upon the table, who would, as they now stand, sustain them. There are some among my friends who voted to lay them upon the table as they were first presented, who will not, as I hope, vote against them now. They were controlled in their votes because, as the resolutions were first presented, they extended over the slaves of all owners within military districts in insurrection against the United States.

Now, Mr. Speaker, I have one word to say upon the amendment to the resolution. I believe, standing upon law, that the resolution, as it was first offered, is right; that it is sustained by the highest authorities upon subjects analogous to this. Why, sir, it is a war question—it is a military question; it is not a question of punishment for holding slaves because the holding of slaves is wrong; not at all. Slavery caused

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this rebellion, did it not? Then is slavery outlaw; and it may well be that the war power may extinguish it in districts in insurrection against the Government; and, although it may be that there are loyal men who thus incidentally would suffer, as loyal men they would consent—the necessity existing—that the power should be exercised. But, nevertheless, loyal men should be protected from injury. The resolutions, as at first offered, contemplated no compensation; there was no provision for compensation contained in them; yet loyal men must not be treated as rebels, and in all our legislation it should be understood that we desire that the men who stand upright, when those around them are faltering and falling, shall be held harmless from loss, and no word should now be uttered that would seem to intimate that they and we are set at variance. Therefore, Mr. Speaker, I consented that the resolution should be amended; and I did so the more readily because a vote had been taken upon it as first reported, which indicated the judgment of the House. The resolution, as now before us, will be a step in the right direction; and, when a vote shall be taken upon it, I desire that we may stand together. It was a good vote upon the resolution as first offered; I want that it shall be stronger; I want our loyal friends all around the House to come up with me, and ask the military power to take this step affecting now the slave property of rebels. The resolutions, as they stand now, I commend to the House as being, as far as they go, sound, correct in principle, and called for by the imperative necessities of the times.

Mr. Speaker, before we shall enter upon the discussion of the wider subjects that will open before us as we advance, it is my humble task to ask the consideration of the House to the resolutions as they stand before us. The first declares that the war in which we are now engaged has for its object the suppression of the rebellion, and the re-establishment of the rightful authority of the United States; not by any manner of means that when that object has been attained, we shall thereupon return to the old state of things, for I believe that to be impossible; but that the *object* of the war is to suppress the rebellion, and to recover and re-establish the rightful authority of the United States.

Now, Mr. Speaker, so far as the United States is concerned as a Government, as a party carrying on war against the rebels, there can, it seems to me, be no two opinions upon this question. No matter what may incidentally result; no matter what shall be brought about in connection with that object; no matter what property may be affected; nevertheless it is still between the Government and the rebels a question of power; it is a question whether or not the one or the other shall be the stronger!

This, sir, has been called all over the country an anti-slavery war by certain men who love slavery more than they do the Union. It is no such thing. Slavery caused the war, and it may be overturned by it; the power of the slaveholders is carrying it on, and that power will be crushed; the curse of slavery is at the foundation of it, and that curse may be removed; but the object of the war is to recover the rightful authority of the United States and put down treason. Why, sir, consider the state of things existing at this moment in South Carolina. Between Hilton Head and Beaufort is a country, as I understand it, of some fifteen or sixteen miles. All over that land the houses are desolate, the occupants have gone, the owners have fled, no man is there to say, "this is my property;" the military foot of the United States has stepped upon it; it is in the hands of the military authorities of the Government. No white man is there, nor is there any one there except those of whom it has been said that they have "no rights which a white man is bound to respect." What are we to do with that country? It is a part of the soil of the United States, and cannot be separated from it. It is a part of our territory, and it must be brought back. Those who held it have fled. It is in your hands. You cannot enforce your laws, for there are no judicial tribunals with power to do it. No laws can be enforced except by the power of the military arm. "Laws are silent amidst arms." But it is the mission of arms to recreate a state of things when laws may be vindicated by judicial process. Civil society must be recreated. The work has been begun. A post-office has been established, and soon the school and the courthouse and the church shall follow. The same principle applies, and the same governmental action must be taken whether the tract is fourteen miles square or whether it covers the whole State of South Carolina; and as our Army shall successfully advance, and the rebellion be overcome, civil society will be again constructed; conventions will be held; Legislatures will come together; the people will demand reunion; and then in South Carolina shall be the reconstruction without the presence

of a slave; then, Mr. Speaker, over the magnificent regions of the Palmetto State the star-spangled banner

"Shall wave
O'er the land of the free and the home of the brave."

It may be, as has been intimated, and intimated in high quarters, that in the march of events the "rattlesnake" will be suppressed. What of it? Suppose it should be that, in the order of God's providence, the territory now composing that State shall be divided and belong to the surrounding States; the object of the war will still be accomplished, the peace of the country will be restored, treason will be put down, rebellion will be overcome, and the rightful authority of the laws and the Constitution will be maintained. In the meantime, certain questions have arisen about which some action must be had, and about which the military power must be exercised. Not only have houses been deserted, not only have the places of business been abandoned, not only have the white men fled, leaving our troops in possession, but they have left their lands at the time of the ingathering of the crops; they have left their cotton-fields white unto the harvest; the harvest is plenty, and the laborers are not few. There they stand with arms stretched out to us, yearning to help us, abandoned men, contrabands heretofore, deadends now, asking to be employed in peaceful pursuits, anxious for service and ready to receive the hire which labor may always rightfully demand. What are you to do with them? I say, let your military commander organize his bureau of agriculture; let the black hands gather in the white staple; the shackles have fallen from their limbs; and as they work for the Government, and in their employ, it does not need that I should say to you that henceforth and forever more they become free men. The resolutions under discussion do not consider at all what the condition of these men shall be or where shall be their future homes. Unto the day sufficient is the work thereof. Let us do the work that the Lord puts before us with all our minds and all our strength, and when that shall be accomplished the way will open itself for what He has in store for us afterwards to do. It is said, however, that we ought to do something and say something and determine something about their status, and it may, perhaps, be right and true; and, sir, for all that, I desire to say that I like right well the opinions which have been expressed in a paper which has not been exactly officially reported to us, but which contains good law, good patriotism, good statesmanship, and right strong common sense. I read from that paper:

"It has become a grave question for determination what shall be done with the slaves abandoned by their owners on the advance of our troops into southern territory, as in the Beaufort district of South Carolina. The whole white population therein is six thousand, while the number of negroes exceeds thirty-two thousand. The panic which drove their masters in wild confusion from their homes, leaves them in undisputed possession of the soil. Shall they, armed by their masters, be placed in the field to fight against us, or shall their labor be continually employed in reproducing the means for supporting the armies of rebellion?"

"The war into which this Government has been forced by rebellious traitors is carried on for the purpose of repossessing the property violently and treacherously seized upon by the enemies of the Government, and to re-establish the authority and laws of the United States in the places where it is opposed or overthrown by armed insurrection and rebellion. Its purpose is to recover and defend what is justly its own."

"War, even between independent nations is made to subdue the enemy, and all that belongs to that enemy, by occupying the hostile country, and exercising dominion over all the men and things within its territory. This being true in respect to independent nations at war with each other, it follows that rebels, who are laboring by force of arms to overthrow a Government, justly bring upon themselves all the consequences of war, and provoke the destruction merited by the worst of crimes. That Government would be false to national trust, and would justly excite the ridicule of the civilized world, that would abstain from the use of any efficient means to preserve its own existence, or to overcome a rebellious and traitorous enemy, by sparing or protecting the property of those who are waging war against it."

"The principal wealth and power of the rebel States is a peculiar species of property, consisting of the service or labor of African slaves, or the descendants of Africans. This property has been variously estimated at the value of from seven hundred million to one thousand million dollars."

"Why should this property be exempt from the hazards and consequences of a rebellious war?"

"It was the boast of the leader of the rebellion, while he yet had a seat in the Senate of the United States, that the southern States would be comparatively safe and free from the burdens of war, if it should be brought on by the contemplated rebellion, and that boast was accompanied by the savage threat that 'northern towns and cities would become the victims of rapine and military spoil,' and that 'northern men should smell southern gunpowder and feel southern steel.' No one doubts the disposition of the rebels to carry that threat into execution. The wealth of northern towns and cities, the produce of northern farms, northern workshops and manufactories, would certainly be seized, destroyed, or appropriated as military spoil. No property in the North would be spared from the hands of the rebels, and their rapine would be detested under the laws of war. While the loyal States thus have all their property and possessions at stake, are the insurgent rebels to carry on warfare against the Government in peace and security to their own property?"

"Reason, and justice, and self-preservation, forbid that such should be the policy of this Government, but demand, on the contrary, that, being forced by traitors and rebels to the extremity of war, all the rights and powers of war should be exercised to bring it to a speedy end."

"Those who war against the Government justly forfeit all rights of property, privilege, or security, derived from the Constitution and laws, against which they are in armed rebellion; and as the labor and service of their slaves constitute the chief property of the rebels, such property should share the common fate of war, to which they have devoted the property of loyal citizens."

"While it is plain that the slave property of the South is justly subjected to all the consequences of this rebellious war, and that the Government would be untrue to its trust in not employing all the rights and

powers of war to bring it to a speedy close, the details of the plan of doing so, like all other military measures, must, in a great degree, be left to be determined by particular exigencies. The disposition of other property belonging to the rebels that become subject to our arms is governed by the circumstances of the case. The Government has no power to hold slaves, none to restrain a slave of his liberty, or to exact his service. It has a right, however, to use the voluntary service of slaves liberated by war from their rebel masters, like any other property of the rebels, in whatever mode may be most efficient for the defence of the Government, the prosecution of the war, and the suppression of rebellion. It is clearly a right of the Government to arm slaves when it may become necessary as it is to take gunpowder from the enemy. Whether it is expedient to do so is purely a military question. The right is unquestionable by the laws of war. The expediency must be determined by circumstances, keeping in view the great object of overcoming the rebels, re-establishing the laws, and restoring peace to the nation.

"It is vain and idle for the Government to carry on this war, or hope to maintain its existence against rebellious force, without employing all the rights and powers of war. As has been said, the right to deprive the rebels of their property in slaves and slave labor is as clear and absolute as the right to take forage from the field, or cotton from the warehouse, or powder and arms from the magazine. To leave the enemy in the possession of such property as forage and cotton and military stores, and the means of constantly reproducing them, would be madness. It is, therefore, equal madness to leave them in peaceful and secure possession of slave property, more valuable and efficient to them for war than forage, cotton, and military stores. Such policy would be national suicide. What to do with that species of property is a question that time and circumstances will solve, and need not be anticipated further than to repeat that they cannot be held by the Government as slaves. It would be useless to keep them as prisoners of war; and self-preservation, the highest duty of a Government, or of individuals, demands that they should be disposed of or employed in the most effective manner that will tend most speedily to suppress the insurrection and restore the authority of the Government. If it shall be found that the men who have been held by the rebels as slaves are capable of bearing arms and performing efficient military service, it is the right, and may become the duty, of this Government to arm and equip them, and employ their services against the rebels, under proper military regulation, discipline, and command.

"But in whatever manner they may be used by the Government, it is plain that, once liberated by the rebellious act of their masters, they should never again be restored to bondage. By the master's treason and rebellion he forfeits all right to the labor and service of his slave; and the slave of the rebellious master, by his service to the Government, becomes justly entitled to freedom and protection.

"The disposition to be made of the slaves of rebels, after the close of the war, can be safely left to the wisdom and patriotism of Congress. The representatives of the people will unquestionably secure to the loyal slaveholders every right to which they are entitled under the Constitution of the country."

Mr. WICKLIFFE. Will the gentleman favor me with the authority from which he has been reading?

Mr. ELIOT. I read from a report which I find in the papers as having come from the city of Washington, and as being a report which was originally proposed to be submitted to the country through this House.

Mr. WICKLIFFE. Whose report, and what report?

Mr. ELIOT. Simon Cameron's, who has done so much within the past three months to raise his name high among men, as a lover of freedom, as a maintainer of right, as a foe to rebellion, and as one determined to put down treason.

Now, sir, these statements not only apply to this first resolution but they will be found applicable to all the others, and not only to them, but to every proposition, whether for confiscation or otherwise, that can be introduced into the House upon this general subject.

The first branch of the second resolution disclaims the right to interfere by ordinary legislation with the institutions of the several States. Well, sir, that is a declaration which we have often made. I do not know that it is needful to make it here. The loyal men throughout the States do not want it. The disloyal men ought not to have it. The Republican party said it in 1856, and said it in 1860. We have announced it in Congress before now. It does not interfere at all with any extraordinary legislation which the emergencies of the rebellion may necessitate. Slavery is called an institution. It is more properly a domestic relation, sanctioned by local law. It is a relation created by law. It is a relation between black persons and white. It seeks to subject the service and labor of the black man to the ownership of a master. So all our property is held under the sanctions of law, either statute or common. Under its protection, our houses and lands and stocks, our property, corporeal and incorporeal, and rights of action, are all so held.

We should not attempt to interfere with this property in the States by ordinary legislation. It would be against the whole theory of our Constitution and laws to do so. Yet who would hesitate to pass a law confiscating the property of rebels wherever it may be found—real estate, personal estate, stock, horses, lands, and all? Who would hesitate, under the Constitution, to advocate and support a law for that? Just so we may pass a law confiscating, or in that sense emancipating (for the Government cannot buy or sell) that species of property, held by the rebels. It does not affect institutions; it affects property. It affects the property of persons under institutions, the benefit of whose provisions their own treason has forfeited, and whose protection they cannot claim.

Nevertheless, the resolution sets forth that the war is to be carried on according to military usage, and according to the laws of war. Is not that so? And is it not about time that Congress said so? I apprehend there is no elementary writer who

has denied the proposition that, in time of war, "the safety of the people is the highest law." But is it only true in time of war? Is it not equally true in time of peace? In all emergencies, when the safety of the people is endangered, that safety must be secured. It rests on the same ground as the law of self-defense. The life of the State must be preserved.

Mr. Speaker, this maxim seems to have been strangely overlooked. Any one who had kept an eye on the state of things going on around us for some months' past, in Missouri, in Maryland, in Western Virginia, up and down the Potomac, would believe that the maxim was, in some way, strangely forgotten. If we are not successful in this contest with rebellion, it must be because of our intense magnanimity. We have been carrying on this war on very tender principles. We catch a spy within our lines, who has come there for the purpose of obtaining information to our great injury, and we—we swear him and let him go. I pray you, why was not Mr. Winans shot? Did he not violate the laws of war? Was he not doing what he could to support the enemy, and to weaken us? Was he not doing all in his power to strike down this Government in his own home? It could not be done. It was not time. There had not yet been men enough shot in battle. There had not been enough of our brothers and friends destroyed. The time had not come. Gently. *Festina lente*. Make haste slowly. And so Mr. Winans stands now. Loyal? Let those say who know.

Mr. Speaker, some time ago we had a proclamation issued in Western Missouri. There was hardly a man whose heart, if it was loyal, did not leap with joy to read it. It was a blow struck in the right direction, by the right man, at the right time, under the right circumstances, as I respectfully and humbly aver. It was modified. I was sorry for that. I had no doubt then, I have no doubt now, that it was modified for reasons that seemed to be entirely conclusive, and that were entirely conclusive, in the mind of the Chief Magistrate—the Commander-in-Chief. I am not afraid to say that I was sorry for it; and I believe the time has come, when there, in Missouri, the sad effects of that modification have been felt. I have reason to think that the proclamation produced a feeling of entire content in that State. Nevertheless, I am not so well qualified to speak on that matter as are other gentlemen in this House.

Besides the proclamation of General Fremont, we have had, on the other side, one from General McDowell, in May last, which forbade the entrance of fugitives within our lines. Has that been repealed? I do not know that it has been. I never heard of its being repealed. General Halleck's order, if not interpreted as, by the kindness of his and our friend from Missouri, [Mr. BLAIR,] it has been interpreted, would, I undertake to say, convert into enemies men who are wanting to be our friends. Here, on the upper Potomac, and on the lower Potomac, and in Kentucky, different policies have prevailed, and different orders have been issued. I do not believe that a man exists who could, at this moment, tell us what the policy of the Government or of the Army is—I mean the general policy. Of course there must be military discretion. Of course the officer in command must, for the time being, determine what is to be done. It seems to me, however, that the time has arrived when some definite policy ought to be adopted. We have had fugitives sent back by officers, thus converting those who are fighting our battles into slave-catchers.

Now, what we want to ascertain is, what is the highest safety, and what does that demand? for that is the law. I think, from the tenor of part of the President's message, that he expects us to legislate on this question; for he says, referring to the action that has been had before one Congress, that if laws are passed on the same general subject they should receive his candid consideration. He says, in this same connection, that whatever is necessary to put down this rebellion should be pursued. The Union, he says, must be preserved, and all disposable means must be resorted to. I apprehend that it is expected by the Chief Magistrate that Congress will indicate its judgment as to the line of policy to be pursued. Sir, it is the greatest folly for us to refuse to deliberate, to refuse to discuss, to refuse to decide questions of this kind. General Halleck, in the order which was read here yesterday, says, good lawyer as he is, that he is waiting for the action of Congress. "Military officers do not make laws, but they should obey and execute them when made." It is for the military to execute the law. It is for Congress to say what is to be done. I think General Halleck underrates entirely his own power in the field. I am inclined to think he could not hesitate for a moment if he had allowed the lawyer, as well as the general, to determine the question upon which he was acting. But if he wants the direction

of Congress let him have it. The passage of this resolution will indicate to him what we believe may fairly and rightfully be done by the generals who are over our armies in the field.

I do not desire to initiate anything that is unreasonable or extreme. Indeed, Mr. Speaker, talking about extreme measures, when we look at the conduct of the rebels during the eight months past, when we see what has been done by them unrebuked upon the field of battle, I should like to ask if it is easy to imagine any measures that we could recommend that would not be mild, gentle, and lamb-like in contrast with the example that treason has set to loyalty? Why, sir, what upon earth that is cruel and inhuman have they not done? What have they left undone? When in the history of warfare, civil or savage, ancient or modern, have acts been done the like of which we have witnessed on our battle-fields? Ambulances fired into; hospitals on the field where the wounded have been placed for safety and for protection—hospitals on the field, that ought to be sacred—shot into, with purpose and by intent, not by accident, but by design. Wounded men, laid upon the field where their surgeons could take care of them, shot and slaughtered there. If possible, worse than that, the stars and stripes, emblems of loyalty, of Union and of good government, made to fly and to float over rebel traitorous companies of men in the face and eyes of Union soldiers, in order that Union men might be drawn from their friends, entrapped, and meanly slaughtered by men every one of whom had forfeited his life under the laws of the land. Are such things to be justified because it is war? So it is war—civil war, the worst of all kinds of war; and yet there are rules that civilized nations recognize even in a state of war. Such has been the conduct of the traitors in arms.

I come now to the third resolution of the series, which declares the right, the military right, of emancipation. In the language of the resolution, we declare that, "in our judgment, the President of the United States, as Commander-in-Chief, and the officers in command under him, have the right to emancipate all persons held as slaves by rebels in any military district in a state of insurrection against the National Government."

The second branch of the resolution declares the expediency of exercising that right. First, as to the right. Has anybody a doubt of it? I hardly feel justified in occupying the time of the House in discussing a question about which really no one does or can properly, in my judgment, entertain a doubt. The right itself is sustained by abundant authority; but if we had not the authority of authors upon the subject, the right would stand upon the reason of the case. If Wheaton had not said a word, if Vattel had been silent, if the voice of our own "old man eloquent" had not twenty years ago, foreseeing the events that have transpired, announced the doctrine from this Hall, the time has come when we ought to make the authority.

Slavery is the cause of this rebellion; slavery is the power and strength of our enemies: have we not the right to remove the cause of the rebellion? Have not we the right to weaken the power of our enemies? Slavery lies at the root of this treason: can we not eradicate the treason?

Now, sir, no negative answer can be given to these questions unless the premises are denied. But is any gentleman prepared to say that slavery is not the cause of the rebellion, and that it does not give power to our enemies? Let me for a moment refer the House to the language of Vattel upon this point, written more than a century ago. He says:

"Since the object of a just war is to repress injustice and violence, and forcibly to compel him who is deaf to the voice of justice, we have a right to, put in practice, against the enemy, every measure that is necessary in order to weaken him, and disable him from resisting us and supporting his injustice; and we may choose such methods as are the most efficacious and best calculated to attain the end in view, provided they be not of an odious kind, nor unjustifiable in themselves, and prohibited by the law of nature."

And, again, the same writer says:

"We have a right to deprive our enemy of his possessions, of everything which may augment his strength, and enable him to make war. This every one endeavors to accomplish in the manner most suitable to him. Whenever we have an opportunity we seize on the enemy's property, and convert it to our own use; and thus, beside diminishing the enemy's power, we augment our own, and obtain at least a partial indemnification or equivalent, either for what constitutes the subject of the war, or for the expenses and losses incurred in its prosecution. In a word, we do ourselves justice."

But Mr. Adams more than once declared the law in his speeches in Congress. In his celebrated debate with Mr. Ingersoll, in the Twenty-Seventh Congress, he said:

"This power in Congress has, perhaps, never been called into exercise under the present Constitution of the United States. But when the laws of war are in force, what, I ask, is one of those laws? It is

this; that when a country is invaded, and two hostile armies are set in martial array, the commanders of both armies have power to emancipate all the slaves in the invaded territory. Nor is this a mere theoretic statement. The history of South America shows that the doctrine has been carried into practical execution within the last thirty years. Slavery was abolished in Columbia, first by the Spanish General Morillo, and, secondly, by the American General Bolivar. It was abolished by virtue of a military command, given at the head of the army; and its abolition continues to be law to this day. It was abolished by the laws of war, and not by municipal enactments. The power was exercised by military commanders, under instructions, of course, from their respective Governments."

In the course of the same speech, Mr. Adams continues, as follows:

"I might furnish a thousand proofs to show that the pretensions of gentlemen to the sanctity of their municipal institutions, under a state of actual invasion and of actual war, whether servile, civil, or foreign, is wholly unfounded; and that the laws of war do, in all such cases, take precedence. I lay this down as the law of nations. I say that the military authority takes, for the time, the place of all municipal institutions, and of slavery amongst the rest, and that, under that state of things, so far from its being true, that the States where Slavery exists have the exclusive management of the subject, not only the President of the United States, but the commander of the Army has power to order the universal emancipation of the slaves."

"Let my position be answered; let me be told, let my constituents be told, let the people of my State be told—a State whose soil tolerates not the foot of a slave—that they are bound by the Constitution to a long and toilsome march, under burning summer suns and a deadly southern climate, for the suppression of a servile war; that they are bound to leave their bodies to rot upon the lands of Carolina; to leave their widows and their children orphans; that those who cannot march are bound to pour out their treasures while their sons or brothers are pouring out their blood to suppress a servile combined with a civil or foreign war, and yet that there exists no power beyond the limits of the slave State where such war is raging to emancipate the slaves! I say let this be proved—I am open to conviction; but till that conviction comes, I put it forth, not as a dictate of feeling, but as a settled maxim of the laws of nations, that in such a case the military supercedes the civil power."

Why, sir, from the beginning of this rebellion we have heard it stated by the traitors that they have a power peculiar to them in their institution of slavery. It was stated here in Congress. We have heard it from Mr. Keitt and Mr. Stephens here, and from Mr. Keitt and Mr. Stephens there. All their orators, statesmen, and politicians are declaring how they stand upon this precise power. I have here an extract from one of the southern papers, in which it undertakes to go into an argument to show that the South can sustain an army of six hundred thousand in the field, or one-tenth of their white population, without affecting their industrial pursuits at home:

"Let the slaves work; we will fight. We will fight and they will produce. We will consume, we will protect, and they at home will give us the means of carrying on this war."

Is it not so? Who are fighting our battles? Our merchants, lawyers, mechanics; our men of business; our young men of all parties, and of every avocation of life, are fighting our battles. What for? To put down this rebellion; to subdue this treason.

Why, sir, when the President called for aid; nay, before he called—upon the day the attack was made upon Fort Sumter, who was there in the land that dreamed of the intense loyalty which lived in the hearts of our people? We had been living for nearly fifty years in peace; we had been divided among different parties; we had been sprung on the various pursuits of life; we had success and prosperity; cities had sprung from the ground in a day; no nation had prospered so much as we. Who knew of our loyalty? We had hated each other as politicians; who knew how we would love each other as loyal men? Here in this House, a Democrat of the Breckinridge school said to me last year that he would pledge himself that there would be from New York no less than an army of fifty thousand men, who would come from their homes to fight against the North. Yet what an echo that Sumter gun created! Why, sir, it sounded through the North, and the East, and the West, and their startled population jumped to arms. It sounded through our valleys and over our plains, and the deserted plow was left in the half turned furrow by the yeomanry of the land. It sounded through our towns, villages, and cities, and the mechanic left his shop, the merchant forgot his unbalanced ledger, and the lawyer left his cases untried, and, with his clients, hastened to the field. It sounded along the aisles of our churches, and pastors and people, their prayers and their patriotism working to one end, marched to the war. More than six hundred thousand men are now in arms. They have left their homes, and on the land and on the sea are upholding the flag, and sustaining the power and defending the honor of the Government.

Mr. Speaker, the relation of master and slave within the several States in November, 1860, was safe from congressional interference. The presidential campaign had just closed. Slavery was not to be extended. To that extent the Republican party had been pledged. But the mad determination to rule or to ruin was carried into effect. South Carolina fanaticism hurried the South into this rebellion. And

now the whole industrial interests of this generation have been overturned. Fortunes and business, houses, lands, and homes and the lives of the best men in the land have been thrown into this war. And yet, when we know that slavery has caused it, and when it is plain that in no way can their strength be overcome and our peace secured so quickly and effectively as by striking down this power they use against us, we are found to hesitate, and timidly to halt and to consider!

Sir, if we have a right to argue of the ways of Providence, we might say, without irreverence, that the hand of God points to us our duty. Our President may act, our Commander-in-chief, within his province, and the officers under him in command may act, and I believe are called upon to act, by every consideration of humanity and of patriotism. And, coming from the Commonwealth I represent, in part—a State which has performed no small service in this war—I call upon you to aid me in giving such expression of the judgment of this House as shall command respect. I am not here to boast of the bravery or the patriotism of Massachusetts soldiers. From the port where I have my home more than fifteen hundred men have been shipped for our Navy. From all our seaboard and island towns their skillful and hardy sons are found as masters upon the quarter-deck, and as seamen on board our ships. From our whole State her young men are with the Army. More than twenty thousand of her sons are in the field ready and willing, as you know, to shed their hearts' blood in their country's cause.

In their name and in their behalf I pray you to call upon the military arm to strike that blow more effective for peace and for freedom than armies or victories can be, and convert the slave, which is the power of the enemy, into the free man who shall be their dread. So shall the sword intervene for freedom! If I have read the history of Massachusetts aright that is the intervention her fathers contemplated! In the early days of English freedom, when constitutional liberty was beginning to find a home in the hearts of Englishmen, after Hampden and Eliot and their compatriots had been working in the cause, in the days of Charles, a young man, in an album which he found in a public library, wrote these two lines:

"Hæc manus, inimica tyrannis,
Ense petit placidam sub libertate quietem"

"This hand, hostile to tyrants,
Seeks with the sword quiet rest in freedom."

They called down upon his head the indignant rebuke of an offended king; but the monarch has died, and Sydney has passed away, yet while Massachusetts shall live the lines he then inscribed shall be remembered. In after years, when our forefathers were seeking to find a motto for their State coat of arms, they could select none that seemed to them as pertinent as the last of those two lines; and there it stands—

"Ense petit placidam sub libertate quietem."

And now she asks, through the humblest of her sons, that the military power of our chief, hostile always to rebellion, shall thus, with the sword, find quiet rest in freedom.